

REMARKS

In the Office Action, claims 21-23 were withdrawn and the remaining claims are 1-20.

The Examiner has rejected claims 1 to 20 as being indefinite under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which is regarded as the invention. Specifically, the Examiner notes that claim 1 is indefinite because it recites a range within a range in line 11 thereof. In response to this objection, claim 1 has been amended, at line 11, to define that, in assembling structures from a plurality of elements, a first element may be leaned against a second element. This should clarify the claim and address the Examiner's objection under 35 U.S.C. §112 to claim 1, and claims 2 to 20, which ultimately depend from claim 1.

The Examiner has also rejected claim 12 under 35 U.S.C. §112, as being indefinite, because it is not clear whether the "free region" recited therein is the same as or different from the one recited in claim 11, from which claim 12 depends. In response to this objection, claim 12 has been amended to correct this antecedent deficiency, wherein the phrase, "... a free region ...", is to be replaced with the alternative phrase, "...the free region ...". This should clarify claim 12 and address the Examiner's objection under 35 U.S.C. §112. The Applicant has also effected a similar amendment to claim 13 in this regard.

The Examiner has rejected claims 1 to 11, 14, 15, 18, and 19 under 35 U.S.C. §102(b), as being anticipated in view of Patent No. 3,895,456 (Fabre). The above amended claims are believed to distinguish over Fabre for the following reasons:

Fabre describes "constructional" elements shaped as sheets or tridimensional bodies having protruding peg-and-socket members to "interengage" each other. Elements may be used to build

compositions by nesting a peg member within a socket member of another element or the same element.

The present invention is patentably distinguishable from Fabre for several reasons. First, the Examiner notes in the Official Action that Fabre discloses a set of elements having all of the structural elements recited on lines 2-5 of claim 1, and, accordingly, is presumed to thus be inherently capable of all of the claimed functions recited in lines 6 to 15 of claim 1. In fact, although the elements described by Fabre may be used to build a variety of structures, the peg-and-socket members used to “interengage” elements imply a level of durability in the bonds between elements and also a level of durability in the assembled structures. Specifically, Fabre notes at column 2, lines 17-19, that the peg-and-socket members are configured “so as to be nested together by fixedly or removably inserting the members into the hollows 3 or holes 11.” The time and effort involved in inserting these members to fixably nest together the peg-and-socket members may result in a corresponding amount of time and effort being required to disassemble any structures created.

Accordingly, there may be some inconvenience in disassembling a creation when it is no longer desired or when the elements used to build it are needed to create a new structure. This is in no way similar to providing a set of cards which permit a construction of structures which are easily disassembled, as described in the present invention. In the present invention, structures may be formed by leaning cards, each card of which has protrusions thereon, upon or against the protrusions of another card. This can be noted in the description of the present invention at page 6, lines 3-6, for example, wherein it is noted that “the protrusions 12 are proportioned so that an edge 16 of one card may be anchored against one or more protrusions 12 of another card 10 so as to prevent sliding of the card 10 beyond a point defined by a single protrusion 12 or a locus defined by two or more

protrusions 12.” The ease of disassembling such a structure as that described above is also described in the description of the present invention at page 9, lines 25-27, wherein it is stated that, “The structures created by the cards are easily disassembled by the application of force (e.g., the sweep of a hand) to the base of the structure. The cards are then ready for reuse or storage as desired.”

Furthermore, Fabre’s apparent requirement that each member comprise a depression which is concave on one side of the element (corresponding to a socket member) and convex on the other side of the element (corresponding to a peg member) so as to be capable of “shape-conforming locking relationship with any other depression” undesirably constrains the possible variations in the arrangement of the protrusions (peg members) of the elements and may limit the possible methods of manufacturing such a product. It is therefore believed that the Examiner’s objections under 35 U.S.C. §102(b) have been fully addressed and the claimed invention is patentably distinguishable over the teachings of the Fabre patent.

The Examiner has further rejected claims 12, 13, 16, 17 and 20 under 35 U.S.C. §103(a) as being obvious in view of Patent No. 3,895,456 (Fabre). The above amendment to claim 1, from which claims 12, 13, 16, 17 and 20 ultimately depend, is believed to distinguish over the cited reference for the following reasons:

With respect to the Examiner’s objection that the present invention would have been obvious in view of Patent No. 3,895,456 (Fabre), it is believed that amended claim 1, from which claims 12, 13, 16, 17 and 20 ultimately depend, is patentably distinguishable from Fabre for several reasons. First, the Examiner notes in the Official Action that Fabre, despite not teaching the specific limitations of these claims, discloses most of the elements of these claims, and that it would have been obvious to construct the devices of Fabre, as claimed, for the purpose of facilitating easier use

thereof. In the Applicant's view, the use of the constructional elements described in Fabre to assemble structures does not provide the same ease of assembly, and disassembly, to the extent that the building cards of the present invention, as defined in the amended claims now being submitted, provides.

In particular, the Fabre reference describes the "constructional" elements as having "peg-and-socket members" for use as male and female couplings. The cited fabre reference does not in any manner hint or suggest that the peg-and-socket members may be used to form structures in the manner as that claimed with respect to the building cards described in the present invention, namely, that building cards each possesses at least one surface having protrusions extending normally therefrom, whereby structures may be formed by leaning cards (each card of which has protrusions thereon), upon or against the protrusions of another card. In the Applicant's view, the strong emphasis placed on the peg-and-socket" cooperation between the members disclosed in Fabre, so as to form a shape-conforming locking relationship between the members, supports the view that Fabre appears to teach away from the point of invention found in the present invention, and that the use of the building cards to form structures as claimed in the present invention is unobvious. Specifically, the building cards of the present invention, having raised protrusions which may be used to support other cards and enable the cards to lean one against another to build simple or complex structures, may be easily assembled/disassembled, and this is an essential feature of the present invention.

It is therefore believed that each of the Examiner's objections under 35 U.S.C. §103(a) have been fully addressed and the claimed invention, as defined in amended claim 1 upon which claims 12, 13, 16, 17 and 20 ultimately depend, is patentably distinguishable over the teachings of Fabre, as noted above.

It is also noted that the Examiner has also additionally cited, but has not relied upon, Patent No. 3,999,350 (McKenzie) and Patent Application Publication No. 2002/0078653 (Jean), as being pertinent to the disclosure of the present application. The above amendments to the claims are believed to distinguish over the cited references for the following reasons:

In all cases the cited references fail to disclose all the essential features of the present invention. In particular, Patent No. 3,999,350 (McKenzie) and Patent Application Publication No. 2002/0078653 (Jean) do not disclose or suggest building cards which each possess at least one surface having protrusions extending normally therefrom, whereby structures may be formed by leaning cards (each card of which has protrusions thereon), upon or against the protrusions of another card. By contrast, the building cards of the present invention, having raised protrusions which may be used to support other cards, enable the cards to lean one against another to build simple or complex structures, which may be easily disassembled, and this is an essential feature of the present invention. It is therefore submitted that the McKenzie and Jean references, either alone or in combination, cannot be considered as being of a similar nature to the present invention.

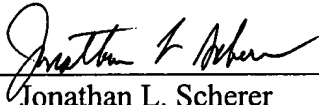
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made".

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 21-23 are cancelled without prejudice or disclaimer.

Please amend claims 1, 12 and 13 as follows:

1. (Amended) A set of elements for building easily disassembled structures, each element comprising:

a flat structure having front and rear surfaces and at least one edge defining a perimeter common to the two surfaces; and

a plurality of protrusions on at least one of the surfaces, each protrusion having a body portion extending away from the element;

wherein the body portions of one or more protrusions, when in abutting contact with an edge of another element, anchor the other element by preventing the edge of the other element from sliding beyond the point or locus defined by the one or more protrusions;

whereby structures may be assembled from a plurality of elements by suitable operations including leaning a first element against a second element and anchoring the first element against sliding by placing an edge of the first element in abutting contract with at least one protrusion

of a third element or anchoring the edge by placing it on a suitable non-slip surface; and balancing an element on top of one or more other elements.

12. (Amended) A set of elements according to claim 11, wherein [a] the free region is centrally located on one or both surface of the at least one element.

13. (Amended) A set of elements according to claim 11, wherein [a] the free region is ornamented by a design element comprising words or images.